

Paul Andrew Mitchell, B.A., M.S., Sui Juris  
c/o USMCFP #44202-086  
P.O. Box 4000  
Springfield 65801-4000  
Missouri, USA

In Propria Persona (initially)  
In Forma Pauperis (USDC/DWY)

14-3460-CV-S-mou-P

United States District Court

Western District of Missouri

Central Division / Springfield

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOSEPH RUBEN HILL et al.,  
Defendants.

Case No. 2:14-CR-00027-NDF-2  
aka 14-CR-27-F (USDC/DWY)

United States  
ex relatione  
Paul Andrew Mitchell,  
Civil Cross-Plaintiff,  
v.  
Nancy Dell Freudenthal,  
Stephan Harris,  
L. Robert Murray, and  
Does 1 thru 100,  
Civil Cross-Defendants.

Case No. \_\_\_\_\_ X

INITIAL APPLICATION FOR WRITS  
IN THE NATURE OF QUO WARRANTO  
AND HABEAS CORPUS:

28 U.S.C. 1345, 1651, 1654, 2241, 2242;  
FRCP Rules 13(b), 13(d), 81(a)(4);  
18 U.S.C. 4, 1964(c) (Civil RICO);  
31 U.S.C. 3730(h) (False Claims Act);  
42 U.S.C. 1985, 1986.

Comes now the United States ex rel. Federal prisoner Paul Andrew Mitchell, B.A., M.S., Sui Juris, a Citizen of Washington State and Agent of the United States as Qui Tam Relator (4X) under the False Claims Act, appearing In Forma Pauperis and initially In Propria Persona (i.e. "personally" under 28 U.S.C. 1654) -- hereinafter "Relator" -- to petition this honorable Court for:

(a) priority Writs (in the nature) of Quo Warranto, requiring Nancy Dell Freudenthal, Stephan Harris, and L. Robert Murray to demonstrate by what authority(s), if any, they currently claim to occupy the Federal offices of U.S. District Judge, Clerk of Court, and Assistant United States Attorney in the District of Wyoming, respectively; and,

(b) any and all other relief which this Court deems just and proper under all circumstances which have occasioned the instant Application e.g. Habeas Corpus relief, relief from retaliatory actions and from damages caused by a pattern of racketeering activities, etc.

#### INCORPORATION OF EVIDENCE

Relator respectfully requests this Court to take mandatory judicial notice of USDC/DWY Docket #2:14-CR-00027-NDF-2, as presently maintained at the Federal Courthouse in Cheyenne, Wyoming, and of the attached NOTICE OF DEFAULT dated 9/12/2014, pursuant to Rule 201(c)(2) of the Federal Rules of Evidence. The latter NOTICE is hereby incorporated by reference, as if set forth fully here. See also USDC/DWY Docket #14-CR-27-F, and the LIST OF ATTACHMENTS *infra*, all likewise incorporated by reference as if set forth fully here.

## JURISDICTION

This United States District Court for the Western District of Missouri, Central Division, has original jurisdiction of the instant matters pursuant to 18 U.S.C. 1964(c) (Civil RICO); 28 U.S.C. 2241 and 2242 (Habeas Corpus); 31 U.S.C. 3730(h) (Relief from retaliatory actions); 42 U.S.C. 1985(2) and 1985(3) (Conspiracy to interfere with civil rights); 42 U.S.C. 1986 (Action for neglect to prevent conspiracy); and, ancillary jurisdiction pursuant to 28 U.S.C. 1651, to issue prerogative writs in the nature of quo warranto, in order to prevent the continued exercise of authority unlawfully asserted; see *Johnson v. Manhattan*, 289 U.S. 479 (1933), and *Ryder v. United States* *infra*. See also Rules 13(b), 13(d) and 81(a)(4) of the Federal Rules of Civil Procedure ("FRCP") re: quo warranto and habeas corpus.

## STANDING

The United States has standing as Plaintiff pursuant to 28 U.S.C. 1345 and 1651 *supra*; 18 U.S.C. 1964(c) (Civil RICO); and, 31 U.S.C. 3729 *et seq.* (False Claims Act): see *United States ex rel. Madden v. General Dynamics Corp.*, 4 F.3d 827 (9th Cir. 1993) (*qui tam* relator is most properly classified as an agent of the United States, not an officer of the United States).

## SUMMARY OF PROBABLE CAUSES

In addition to the latter NOTICE OF DEFAULT, said USDC/DWY Docket now contains verified factual evidence calling for the following conclusions of law, to wit:

- (1) L. Robert Murray lacks the second OATH OF OFFICE expressly required by 28 U.S.C. 544 and Article VI, Clause 3 in the U.S. Constitution ("6:3");
- (2) Mr. Murray lacks power of attorney legally to represent the "UNITED STATES OF AMERICA" as such before Federal courts: see 28 U.S.C. 530B, 547, 1345, 1346, 1746(1) in particular;
- (3) Mr. Murray is not an "authorized assistant" hence not a lawful "attorney for the government" as the latter terms occur at FRCrP Rules 1, 6 and 7 (definitions, who can be present, who can sign);
- (4) Stephan Harris has twice failed or refused to disclose valid U.S. Office of Personnel Management ("OPM") Standard Form 61 ("SF-61") APPOINTMENT AFFIDAVITS expressly required by 5 U.S.C. 2104, 2903, 2906, 3331, 3332, 3333, 5507, and 6:3; see also 18 U.S.C. 1519;
- (5) Mr. Harris has also failed or refused to disclose the second OATH OF OFFICE expressly required of Clerks and Deputy Clerks of Court by 28 U.S.C. 951, and 6:3;
- (6) Nancy Dell Freudenthal lacks the mandatory SENATE CONFIRMATION expressly required by 5 U.S.C. 2902(c), and by either the Appointments Clause ("2:2:2") or the Recess Appointments Clause ("2:2:3") in the U.S. Constitution (see details in the attached NOTICE OF DEFAULT and APPLICATION FOR DISQUALIFICATIONS);

- (7) Ms. Freudenthal's PRESIDENTIAL COMMISSION is incomplete, due at least to known defects in the SF-61 executed by one Eric Holder, Jr.;
- (8) Ms. Freudenthal's own SF-61 appears to be a counterfeit form because:
- (a) it lacks a valid OMB control number required by the Paperwork Reduction Act ("PRA"): 44 U.S.C. 3501 et seq.;
  - (b) it lacks the paragraph citing 5 U.S.C. 2903 (Authority to administer); and,
  - (c) as of January 1, 2014, OPM has failed to apply for periodic OMB review and approval of the electronic SF-61 published at [www.opm.gov](http://www.opm.gov), as required by 5 CFR 1320.5, the Federal Regulation implementing the PRA: 44 U.S.C. 3501 et seq..

#### PARTIAL SUMMARY OF CONSEQUENTIAL DAMAGES

Relator has been maliciously prosecuted, wrongly incarcerated continuously since 1/28/2014, and damaged extensively by an organized conspiracy, perpetrated by at least a dozen named suspects now formally charged in several VERIFIED CRIMINAL COMPLAINTs, ON INFORMATION ("VCC").

The latter VCCs were duly filed -- to satisfy legal obligations imposed by 18 U.S.C. 4 -- in the USDC/DWY Docket records supra, formally charging multiple violations of Federal statutes including but not limited to 18 U.S.C. 241, 242, 1513, 1519, 1962(d), 42 U.S.C. 1985 (Conspiracy to interfere with civil rights) and 42 U.S.C. 1986 (Neglect to prevent conspiracy). See also 44 U.S.C. 3512 here (PRA's Public Protection Clause).

REMEDIES REQUESTED

- (1) Writs in the nature of Quo Warranto served without delay upon Nancy Dell Freudenthal, L. Robert Murray and Stephan Harris, care of the USDC in Cheyenne, Wyoming, USA;
- (2) Orders dismissing with prejudice the alleged "indictment" and "superseding indictment" as to Relator; see all MOTIONS TO DISMISS and all SUPPLEMENTS in the USDC/DWY Docket records;
- (3) Order releasing Relator to unfettered liberty without any further delays; see 28 U.S.C. 2242;
- (4) Order appointing a competent and qualified CJA lawyer to prosecute indigent Relator's several cross-complaints as previously filed in the USDC/DWY Docket records supra; see 18 U.S.C. 1964, 42 U.S.C. 1985 and 1986;
- (5) Referral of the entire USDC/DWY Docket records supra to a lawfully convened Federal Grand Jury within the Western District of Missouri, and supervised by this Court;
- (6) Partial payment of ten thousand U.S. Dollars (\$10,000 USD) to commence Relator's rehabilitation i.e. food, shelter, clothing, payable by the Office of the U.S. Attorney, District of Wyoming, to the client trust account of the CJA lawyer duly appointed by this honorable Court;
- (7) Order directing the U.S. Marshals Service to expedite Relator's safe passage to Seattle, Washington State, USA; and,
- (8) any and all other relief which this Court deems just and proper under the several circumstances which have occasioned the instant INITIAL APPLICATION e.g. Habeas Corpus relief, relief from retaliatory actions, triple damages etc.

PRELIMINARY APPLICATION FOR WRIT  
IN THE NATURE OF HABEAS CORPUS: 28 U.S.C. 2242

Relator Paul Andrew Mitchell is the proper Person for whom the requested Writ of Habeas Corpus is intended.

He was unlawfully arrested on 1/28/2014 at his private apartment in Seattle, Washington State, under color of an "arrest warrant" issued by Cross-Defendant Stephan Harris in violation of 28 U.S.C. 1691 and 18 U.S.C. 1519, and signed without proper authority by Cross-Defendant Nancy Dell Freudenthal.

Relator was then transported some forty-nine (49) discrete times, and is currently in the custody of the U.S. Medical Center for Federal Prisoners ("USMCFP") in Springfield, Missouri.

The "order" allegedly authorizing "formal competency restoration procedures" [sic] at USMCFP was also signed without proper authority by Nancy Dell Freudenthal, under color of Freudenthal's claim to occupy the superior office of United States District Judge for the District of Wyoming.

Relator understands that this PRELIMINARY APPLICATION may be amended, or supplemented, as provided by the rules of procedure applicable to civil actions (cf. FRCP). See also 28 U.S.C. 2242 supra.

Relator therefore reserves his right to amend and/or supplement this APPLICATION timely.

FOUNDATION AUTHORITY

"We think that one who makes a timely challenge to the constitutional validity of the appointment of an officer who adjudicates his case is entitled to a decision on the merits of the question and whatever relief may be appropriate if a violation indeed occurred."

-- Ryder v. United States, 515 U.S. 177,  
132 L.Ed.2d 136 (1995)

VERIFICATION

I, Paul Andrew Mitchell, B.A., M.S., Sui Juris, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause (the Constitution, Laws and Treaties of the United States are all the supreme Law of the Land).

Dated: 10/9/2014

Respectfully submitted,

*Paul Mitchell*

Paul Andrew Mitchell, B.A., M.S. (chosen name) \*  
Relator In Forma Pauperis and initially In Propria Persona  
(28 U.S.C. 1654: "personally");  
Agent of the United States as Qui Tam Relator  
(31 U.S.C. 3729 et seq.) (4X) \*\*;  
Qualified Federal Witness (18 U.S.C. 1513)  
(see testimony on 7/10/2014 in USDC/DWY Docket)

- \* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)  
(fundamental principle and common-law right to change one's name)
- \*\* See U.S. ex rel. Madden v. General Dynamics Corp., 4 F.3d 827  
(9th Cir. 1993)

RSVP / SHIP TO:

Modeleski, M.P. (given name)  
USMCFP #44202-086  
P.O. Box 4000  
Springfield 65801-4000  
Missouri, USA

Thank you very much!

Attachments: (see LIST OF ATTACHMENTS, next page)



LIST OF ATTACHMENTS

NOTICE OF DEFAULT (dated 9/12/2014)

Samples of documents bearing names and/or signatures of  
Nancy D. Freudenthal, L. Robert Murray and Stephan Harris, to wit  
(circled for emphasis):

WARRANT FOR ARREST (dated July 25, 2014)  
see "Stephan Harris", "Name of Issuing Officer";  
"Clerk of Court", "Title of Issuing Officer"

ORDER SEALING SUPERSEDING INDICTMENT (July 25, 2014)  
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";  
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

GOVERNMENT'S MOTION TO UNSEAL CASE (August 4, 2014)  
see "L. ROBERT MURRAY", "Assistant United States Attorney"

ORDER UNSEALING SUPERSEDING INDICTMENT (August 5, 2014)  
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES JUDGE";  
"STEPHAN HARRIS", "CLERK", "CHEYENNE"

EX PARTE ORDER AUTHORIZING EXPERT SERVICES AND EXPENSES  
OF DR. BHUSHAN S. AGHARKAR, M.D. PSYCHIATRIST  
see "NANCY D. FREUDENTHAL", "CHIEF UNITED STATES DISTRICT JUDGE";  
"STEPHAN HARRIS", "CLERK", "CHEYENNE" (filed Sept. 2, 2014)

NOTICE TO COUNSELS, USA v. Hill et al. (9/20/2014)

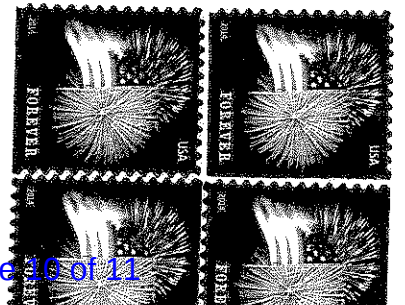
Essay: "Clerks or Jerks? The Pivotal Duties of Federal Court Clerks"  
(April 24, 2014 A.D.)

Essay: "Blowing Whistles at Hurricanes -- Marxism Meets the Big  
Sky Country," by Michael Hafter (May 1, 2014 A.D.)  
(2 Parts)

APPLICATION FOR DISQUALIFICATIONS: 28 USC 144 (dated 10/1/2014)

Modelski, M.P. (given name)  
Reg. No. 44202-086  
Medical Center for Federal Prisoners  
P.O. Box 4000  
Springfield 65801-4000  
Missouri, USA

RECEIVED  
2014 OCT 14 PM 12:41  
CLERK, U.S. DIST. COURT  
WEST. DIST. OF MO  
KANSAS CITY, MO



LEGAL MAIL

"Special Mail"

TO: Office of Clerk of Court

U.S. District Court

222 N. John Q. Hammond Plwy,

Springfield 65806-2515

Missouri, USA

65806

Prisbo

111 Priska P. 11.10.11

U.S. Medical Center for Federal Prisoners  
P.O. Box 4000  
Springfield, MO 65801

OCT 09 2014

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the writer's further information or clarification. If the writer encloses correspondence for forwarding to another address, please return the enclosure to the above address.

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OCT 10 2014

ANN THOMPSON, CLK.  
WESTERN DISTRICT  
OF MISSOURI